

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS
(Jointly Administered)

NILDA A. AGOSTO MALDONADO, *et al.*,

Movants,

-against-

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Respondents.

**Re: ECF No. 18277, 18286,
19127, 19050, 19131**

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III Case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19 BK 5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as bankruptcy case numbers due to software limitations).

**DEBTORS' RESPONSE AND RESERVATION OF RIGHTS
REGARDING CERTIFICATE OF NO OBJECTION
REGARDING THE URGENT MOTION FOR ALLOWANCE OF
ADMINISTRATIVE EXPENSE PURSUANT TO § 503(b)(1)(A)(i) AND (ii) OF THE
BANKRUPTCY CODE FILED BY JUDGMENT CREDITORS OF THE LITIGATION
CAPTIONED NILDA AGOSTO MALDONADO ET. ALS. CASE NO. K PE 2005-0608**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Title III representative for the Commonwealth pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this response and reservation of rights (the “Response”) to the *Certificate of No Objection Regarding the Urgent Motion for Allowance of Administrative Expense Pursuant to § 503(b)(1)(A)(i) and (ii) of the Bankruptcy Code Filed by Judgment Creditors of the Litigation Captioned Nilda Agosto Maldonado et. als. Case No. K PE 2005-0608* [ECF No. 19050] (the “Certificate”), filed by counsel (“Counsel”) to plaintiffs in the litigation captioned *Nilda Agosto Maldonado et. al. v. Family Dep’t et al.*, Case No. K PE 2005-0608 (collectively, the “Movants”). In support of the Response, the Debtors respectfully represent:

1. On September 28, 2021, Movants filed the *Urgent Motion for Allowance and I[m]mediate Payment of Administrative Expense Pursuant to Section 503(b)(1)(A)(i) and (ii) of the Bankruptcy Code Filed by Group Wage Creditors in the Litigation Caption Nilda Agosto Maldonado et. als. Case No. K PE 2005-0608* [ECF No. 18277] (the “Motion”). On September 29, 2021, the Court entered an order setting the deadline for the Commonwealth to respond to the

² PROMESA has been codified at 48 U.S.C. §§ 2101–2241.

Motion (the “Objection Deadline”) for November 12, 2021 at 5:00 p.m. (Atlantic Standard Time). [ECF No. 18286] at 2.

2. On November 8, 2021, the Commonwealth filed the *Urgent Consented Motion for Extension of Deadlines* [ECF No. 19127], requesting the Court extend the deadline to respond to the Motion to and including November 29, 2021. Prior to filing the Motion, the Commonwealth sought and obtained Movants’ consent to the requested extension. *Id.* ¶ 5. On November 9, 2021, the Court entered an order extending the Objection Deadline to November 29, 2021. [ECF No. 19131 at 2].

3. Notwithstanding the Court’s initial setting of the Objection Deadline for November 12, 2021 and Movants’ consent to the extended Objection Deadline, the Certificate incorrectly states that objections to the Motion were to be filed and served no later than October 13, 2021 at 4:00 p.m. Certificate ¶ 2.

4. Contrary to the Certificate, the Objection Deadline has not yet passed.

5. Because the Certificate is erroneous, the Court should disregard it or direct Counsel to withdraw it immediately.

6. The Commonwealth hereby reserves all rights with respect to the Motion, including its rights to object to the Motion on any basis whatsoever.

[Remainder of Page Intentionally Left Blank]

WHEREFORE the Debtor respectfully requests the Court disregard or order the withdrawal of the Certificate and grant it such other and further relief as is just.

Dated: November 10, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Ehud Barak

Martin J. Bienenstock (*pro hac vice*)
Brian S. Rosen (*pro hac vice*)
Ehud Barak (*pro hac vice*)
Laura Stafford (*pro hac vice*)
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
Fax: (212) 969-2900

*Attorneys for the Financial Oversight and
Management Board as representative for the
Debtors*

/s/ Hermann D. Bauer

Hermann D. Bauer
USDC No. 215205
O'NEILL & BORGES LLC
205 Muñoz Rivera Ave., Suite 800
San Juan, PR 00918-1813
Tel: (787) 764-1813
Fax: (787) 753-8944

*Co-Attorney for the Financial Oversight and
Management Board as representative for the
Debtors*